

## REMARKS

The Office Action dated August 12, 2005, has been carefully reviewed and the following remarks are submitted in response thereto. Claims 1, 3-12, 14, 15, and 17 are pending in the application.

The rejection of claims 1, 3-12, 14, 15, and 17 under 35 USC 102(e) as being unpatentable over Xu et al '416 is respectfully traversed.

The final rejection attempts to justify the reliance on the identified portions of Xu et al '416 by suggesting that these portions have support in the earlier filed parent applications. No authority is given for the idea that "support" (in the sense of section 112) in the parent cases is relevant in determining the effective date as published prior art of the new matter portions of the reference. The relied on portions of Xu et al '416 were not present in any publication having a corresponding filing date prior to the filing date of the present application. Figures 2b, 5a, and 5b and paragraphs 0062-0065, 0069, 0070, and 0072 appear only in Xu et al '416. Since these portions were not effectively published as of the critical date, they do not qualify as prior art under section 102(e). The relied on portions are not "carried over" from the parent applications. Instead, they represent teachings not present before the critical date.

If the parent applications in fact taught all the features shown in Xu et al '416, then the rejection could equally be based on the publications of the parents. Instead, the final rejection persists in using the continuation-in-part application because of teachings it uniquely supplies. Consequently, the final rejection is not in conformance with sections 102(e) and 103.

Moreover, the final rejection is factually wrong concerning the teachings of the published parent applications. With regard to Liu et al '384, Figures 4 and 5 and paragraphs 0059-0071 relate to the client operation. Specifically, the relied on passages relate to operation of a media session module in client 23, and not to operation of the directory server. Rather than operating at the point of creating a session between the caller and callee as in the present invention, Liu et al '384

attempts to deal with the consequences of a NAT server where a network session already exists. Liu et al '384 fails to disclose any method wherein the called party is the one that actually establishes the network session. Furthermore, Liu et al '384 fails to support the transmitting of caller address information to the callee as suggested in the final rejection. Since there is no teaching of the transmission of the calling user's global address to the called user and the called user subsequently establishing a network session, Liu et al '384 fails to disclose the invention recited in claims 1, 12, and 15.

Xu et al '322 relates to use of an intermediary server for communicating between the clients. There is no teaching or suggestion of a method wherein a direct connection bypassing the intermediary server is established by a called party in response to receiving the global address of the calling party. Thus, Xu et al '322 lacks any disclosure to "support" Xu et al '416 in the manner urged in the Office Action. Furthermore, Xu et al '322 fails to disclose the invention recited in claims 1, 12, and 15.

Liu et al '319 likewise fails to provide any teaching or support for the dynamic reversal of the function of establishing a network session from the calling party to the called party. Liu et al '319 neither supports the new matter contained in Xu et al '416 nor discloses the claimed limitations in claims 1, 12, or 15.

In view of the foregoing remarks, claims 1, 3-12, 14, 15, and 17 are submitted to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,



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